

IFW



GREENBLUM & BERNSTEIN, P.L.C.
Intellectual Property Causes
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Attorney Docket No. P24938

In re application of : Toshinori MIMURA et al.

Application No. : 10/800,748

Mail Stop Amendment
 Group Art Unit:

Filed : March 16, 2004

Examiner: F. Nicolas

For : VISCOUS MATERIAL APPLICATION APPARATUS

Mail Stop Amendment

Commissioner for Patents

U.S. Patent and Trademark Office

220 20th Street S.

Customer Window

Crystal Plaza Two, Lobby, Room 1B03

Arlington, VA 22202

Sir:

Transmitted herewith is an **Election with Traverse** in the above-captioned application.

_____ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

_____ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

_____ A Request for Extension of Time.

X No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 7	20	0	x 9=	\$	x 18=	\$0.00
Indep. Claims: 5	5	0	x 44=	\$	x 88=	\$0.00
Multiple Dependent Claims Presented			+150=	\$	+300=	\$0.00
Extension Fees for _____ Month(s)				\$		\$0.00
Total:				\$	Total:	\$0.00

* If less than 20, write 20

** If less than 3, write 3

_____ Please charge my Deposit Account No. 19-0089 in the amount of \$_____.

N/A A check in the amount of \$_____ to cover the filing/extension fee is included.

X The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

X Any additional filing fees required under 37 C.F.R. 1.16.

X Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136(a)(3)).

Bernstein Reg. No. 48,214
 Bruce H. Bernstein
 Reg. No. 29,027

P24938.A02



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Toshinori MIMURA et al.

Group Art Unit: 3754

Appl. No. : 10/800,748

Examiner: F. NICOLAS

Filed : March 16, 2004

For : VISCOUS MATERIAL APPLICATION APPARATUS

RESPONSE TO ELECTION REQUIREMENT WITH TRAVERSE

Commissioner for Patents
U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

In response to the Examiner's Election Requirement of September 2, 2004, setting a one month period for response to extend until October 4, 2004 (October 2, 2004 being a Saturday), Applicants elect species B with traverse for the reasons expressed below. Claim 4 is considered to be "readable" on species B. Further, although no claims are presently considered by the Applicants to be generic to all species, Applicants submit that claim 4 is generic to (i.e., "readable" on) species B and species C.

As an initial matter, Applicants would like to express their appreciation to the Examiner for the courtesy of the telephonic interview held on September 20, 2004, in which Applicants' representative indicated that page 2 of the Election Requirement was missing. Further, Applicants appreciate the Examiner forwarding page 2 of the Election Requirement by facsimile on September 21, 2004, and by mail on September 23, 2004.

Applicants submit that Claim 4 is considered to be "readable" on (i.e., generic to) species B and species C. In this regard, Applicants note that the embodiment shown in Figure 3 (designated as species B by the Examiner) includes air cylinder 7, and that the embodiment shown in Figure 4 (designated as species C by the Examiner) includes motor 8. Further, claim 4 recites "an actuator such as an air cylinder and a voice coil motor". Accordingly, Applicants submit that claim 4 is readable on embodiments in which the actuator is an air cylinder (such as species B) and embodiments in which the actuator is a motor (such as species C).

Applicants respectfully traverse the Election Requirement. Applicants note that it would appear that the search for the species identified by the Examiner would be coextensive or at least significantly overlap. This particularly appears to be true with regard to claims directed to species B and C. That is, if the Examiner were to perform a search for the embodiment of species B, there would not appear to be a serious burden in continuing the examination of the embodiment of species C. Because at least the search of these species

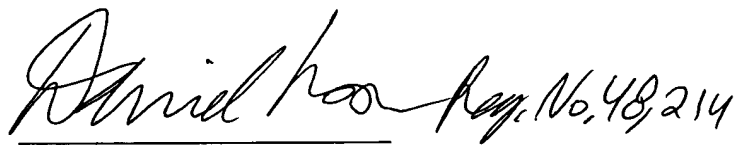
P24938.A02

would be coextensive, it would not be a serious burden on the Examiner to examine all claims directed toward species B and C. For this reason, and consistent with office policy as set forth in M.P.E.P. § 803, Applicants respectfully request that the Examiner reconsider and withdraw the Election Requirement.

For the foregoing reasons, it is submitted that the Election Requirement in this application is improper and it is respectfully requested that it be reconsidered and withdrawn. This is particularly requested with regard to claims directed to species B and C.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Toshinori MIMURA et al.

A handwritten signature in cursive script, appearing to read "Bruce H. Bernstein", followed by the text "Reg. No. 48,214" written in a similar cursive style.

Bruce H. Bernstein
Reg. No. 29,027

October 4, 2004
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191